

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY C. CUTONE, Individually and as  
the Mother, Guardian and Next Friend of  
ADRIANA BELLA CUTONE, and  
ANTHONY CUTONE,

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 04-CV-12725 (MBB)

**JOINT MOTION FOR ORDER TO SEAL  
CONSENT ORDER APPROVING SETTLEMENT**

Kimberly C. Cutone, individually and as the mother, guardian and next friend of Adriana Bella Cutone, Anthony Cutone (together, "Plaintiffs"), and Defendant Eli Lilly and Company, hereby jointly move for an Order sealing their Consent Order Approving Settlement. In support of their joint motion, the parties state as follows:

1. The parties appeared before Magistrate Judge Marianne B. Bowler on March 20, 2007 at mediation and agreed to a settlement of this case.
2. Pursuant to the Settlement Agreement entered into by the parties, the terms of the settlement are confidential and may not be disclosed. The confidentiality of this information is an integral component of the Settlement Agreement. Accordingly, these papers should not be placed in the public record in this case.

WHEREFORE, the parties respectfully request that this Court enter an Order sealing their Consent Order Approving Settlement.

Respectfully submitted,

KIMBERLY C. CUTONE, individually  
and as the mother, guardian and next friend  
of ADRIANA BELLA CUTONE, a minor,  
and ANTHONY CUTONE,

ELI LILLY & COMPANY,

By their Attorneys,

/s/ Erica Tennyson  
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By its Attorneys,

/s/ Brian L. Henninger (with permission)  
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-and-

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DATED: May 2, 2007

**CERTIFICATE OF SERVICE**

I, Erica Tennyson, hereby certify that this Joint Motion for Order To Seal Consent Order Approving Settlement, filed through the ECG system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 2, 2006.

/s/ Erica Tennyson

Erica Tennyson

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**[PROPOSED] ORDER TO SEAL  
CONSENT ORDER APPROVING SETTLEMENT**

Upon consideration of the parties' Joint Motion for Order Sealing Consent Motion for  
Settlement Approval, and for good cause shown, it is by this Court this \_\_\_\_ day of  
\_\_\_\_\_, 2007, hereby:

ORDERED, that the parties' Joint Motion for Order Sealing Consent Order Approving  
Settlement be and hereby is GRANTED, and it is further

ORDERED, that the Consent Order Approving Settlement be FILED UNDER SEAL.

\_\_\_\_\_  
MARIANNE B. BOWLER  
United States Magistrate Judge